

	Producers with insurance or NAP coverage	Producers without insurance or NAP coverage
Tier I .....	\$1,500	\$1,425
Tier II .....	1,000	950
Tier III .....	600	570
Tier IV .....	100	95

(b) The percentages of the payment for citrus crops that are subject to the payment limitation and AGI provisions are:

Tier I—55 percent  
Tier II—60 percent  
Tier III—64 percent  
Tier IV—0 percent

(c) The percentages of the payment for citrus crops that are not subject to the payment limitation and AGI provisions are:

Tier I—45 percent  
Tier II—40 percent  
Tier III—36 percent  
Tier IV—100 percent

#### § 1416.305 Availability of funds.

(a) In the event that the total amount of eligible claims submitted by eligible citrus producers under this subpart and subparts E, F, and G of this part exceeds \$95 million, each payment to an eligible citrus producer shall be reduced by a uniform national percentage, as determined by CCC.

(b) Such payment reduction shall be applied after imposition of applicable per person payment limitation as provided in § 1416.6.

### Subpart E—Fruit and Vegetable Disaster Program

#### § 1416.400 Applicability.

This subpart sets forth the terms and conditions applicable to the Fruit and Vegetable Disaster Program.

#### § 1416.401 Definitions.

*Other than plasticulture* means conventional row-cropped fruits and vegetables, and those crops that are double cropped on a previous crop's or season's plastic.

*Plasticulture* means production practices where the soil has been bedded, fumigated, fertilized, an irrigation sys-

tem installed, and covered with plastic mulch.

*Specialty crop* means any commercially grown fruit or vegetable eligible for crop insurance or NAP coverage.

#### § 1416.402 Eligible fruit and vegetable producers.

(a) Producers of fruits and vegetables utilizing “plasticulture”, and “other than plasticulture” production practices are eligible for assistance. Producer must be an owner, operator, landlord, tenant, or sharecropper who shares in the risk of producing the crop and is entitled to share in the crop available for marketing from the farm or would have shared had the crop been produced. Payments will be made on a per-acre basis, and are based on tiers and the severity of destruction as specified for citrus crops and the type of production practice.

(b) Producers must have at least a 35 percent loss in production, or a 15 percent or more associated crop damage. Producers must also document that the necessary materials and procedures were followed to produce vegetables using plasticulture or other than plasticulture.

(c)(1) Fruit and vegetable producers will be reimbursed on a per-acre basis for eligible acreage. Payment will be based on the severity of destruction as determined by the paths of the storms and damage estimates developed by CCC. Estimates take into account levels of loss generally correlating to the severity of damage caused by maximum sustained winds of the applicable hurricanes. The levels of damage that will determine payment rates are as follows:

Tier I—75 percent or greater crop and/or yield loss  
Tier II—50 to 74 percent crop and/or yield loss  
Tier III—35 to 49 percent crop and/or yield loss